

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
AT ERIE

TIMOTHY LEE COLLINS,)	
)	
<i>Petitioner,</i>)	Civil Action No. 16-63
)	
v.)	
)	ORDER
)	
SUPT. MARK GARMAN, <i>et al.</i> ,)	
)	
<i>Respondents.</i>)	
)	

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE

Before the Court is the Report and Recommendation (“R&R”) of the Honorable Susan Paradise Baxter, United States Magistrate Judge, recommending that the Court dismiss Petitioner Timothy Lee Collins’ Petition for a Writ of Habeas Corpus [Doc. No. 4] for lack of jurisdiction and that the Court deny a certificate of appealability. Plaintiff filed objections to the R&R. Doc. 6. When a party objects to an R&R, the district court must review *de novo* those portions of the R&R to which objection is made. *See United States v. Raddatz*, 447 U.S. 667, 673 (1980); Fed. R. Civ. P. 72(b). However, to obtain *de novo* review, a party must clearly and specifically identify those portions of the R&R to which it objects. *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984). The district court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the Magistrate Judge. *Raddatz*, 447 U.S. at 673-74.

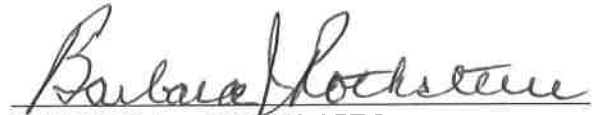
Here, Petitioner’s Objections cite only ignorance of the law. *See* Doc. 6. Accordingly, Petitioner’s Objections do not trigger *de novo* review. *See Goney*, 749 F.2d at 6-7. In any event, the R&R is correct that the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”) requires that before a petitioner may file a second or successive habeas corpus petition in which

(3) When “the district court denies a habeas petition on procedural grounds without reaching the prisoner’s underlying constitutional claim,” a certificate of appealability should issue only when the petitioner has shown that “jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 474 (2000). Petitioner has not made this required showing. Accordingly, a certificate of appealability **SHALL NOT** issue.

(4) This case is **CLOSED**.

IT IS SO ORDERED.

DATED this 16th day of May, 2016.


BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE